



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 7, 1998

Mr. Jerry E. Drake, Jr.
Assistant City Attorney
City of Denton
215 East McKinney
Denton, Texas 76201

OR98-0908

Dear Mr. Drake:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114864.

The City of Denton (the "city"), received a request for information concerning a particular missing person case. You state that the city will release the "Houston Chronicle" information. You assert that the remaining requested information is excepted from required public disclosure based on sections 552.101, 552.103 and 552.108 of the Government Code.

Section 552.108 of the Government Code reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the investigation of this matter is ongoing. We therefore believe you have established that the release of the information would interfere with the detection, investigation and prosecution of crime. Section 552.108 is inapplicable to "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Such basic information refers to the front page offense report information held to be public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). In this case, we do not believe the person who reported the missing person is an "informer" as you suggest. Rather, we believe *Houston Chronicle* requires the public release of the identity of the person who reported the missing person. Thus, with the exception of the basic information, the city may withhold the requested information from the requestor based on section 552.108(a)(1) of the Government Code.

In light of our conclusion under section 552.108, we need not address your other claims at this time. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 114864

Enclosures: Submitted documents

cc: Mr. Theodore Horneber
2721 East Aspen Ct.
Plano, Texas 75075
(w/o enclosures)